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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/311,783 09/23/94 ADAMS

W 10041

F3M1/1114

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EXAMINER

LAYNO, B

ART UNIT

PAPER NUMBER

3304

#15

DATE MAILED:

11/14/96

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/311,783

Applicant(s)
William R. Adams

Examiner
Benjamin H. Layno

Group Art Unit
3304



☒ Responsive to communication(s) filed on 3/21/96, 9/17/96 and interview on 9/9/96

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-5 and 8-31 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-5 and 8-31 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

1. This Office action is in response to the amendments filed 3/21/96, 9/17/96 and the interview on 9/9/96.

2. Applicant's arguments with respect to claims 1-5 and 8-31 have been considered but are moot in view of the new ground(s) of rejection.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 20-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Jidoki.

The patent to Jidoki discloses a video card gaming device comprising a first gaming unit 11 having a video display for randomly selecting and displaying a primary indicia set comprising a plurality of indicia from a plurality of possible indicia sets, sets of cards. The video card gaming device further comprises a second means for randomly selecting and displaying a plurality of possible bonus payouts. The second means is a rotatable wheel 3. The gaming device comprises a means for receiving a wager 6. According to the PTO translation office, after a wager is received, the player operates buttons to randomly select cards. If a preselected set of cards, a "hit" card hand, appears on the first gaming unit, a lever 12 is activated allowing the player to rotate the wheel 3. Thus, the wheel is inherently electro-mechanically operated, and inherently comprises a signal generating means which is connected to the lever 12 and rotatable wheel 3. The signal generating means inherently generates a signal corresponding to the preselected set of cards. During the rotation of the wheel, the wheel inherently gradually reduces its rate of relative movement before it finally comes to a stop. When certain symbols 4, 5 on the wheel appear next to marks A, B or C positions a bonus is awarded to the player.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

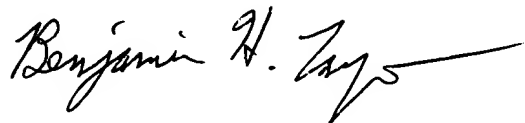
6. Claims 1-5 and 8-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jidoki as applied to claims 20-31 above, and further in view of Okada.

The patent to Okada teaches that it is known in the gaming machine wagering art to display card indicia 8 on rotating reels 3-7. Okada also teaches that rotating reels and video display simulating rotating reels are alternative ways of displaying card indicia, column 5, lines 55-58. In view of such teaching, it would have been obvious to modify Jidoki by substituting for the vide display 11, a plurality of rotatable reels with each reel having card indicia. This modification would have made Jidoki's gaming device attractive to players who prefer rotating reels as opposed to video displays.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin H. Layno whose telephone number is (703) 308-1815.

bhl

November 4, 1996



BENJAMIN H. LAYNO
PRIMARY EXAMINER
GROUP 330